

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

MAURICE CAMPBELL,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 1:06-CV-181 TCM
	)	
BRYAN HOSKINS, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the Court upon the application of Maurice Campbell for leave to commence this action without payment of the required filing fee.

**Title 28 U.S.C. § 1915 (g)**

Title 28 U.S.C. § 1915(g) provides that a prisoner may not bring a civil action in forma pauperis if “on 3 or more [earlier] occasions, . . . [the prisoner has] brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.”

**Discussion**

Applicant may not seek to bring the instant action in forma pauperis pursuant to 28 U.S.C. § 1915. A review of this Court’s files indicates that applicant has had more than three actions or appeals dismissed as frivolous or for failing to state a claim upon which relief may be granted. See Campbell v. Rowley, No. 2:04-CV-0071 JCH (E.D. Mo.); Campbell v. Rowley, No. 2:03-CV-0021 JCH (E.D. Mo.); and Campbell v. Becton, No. 4:00-CV-1100 RWS (E.D. Mo.). Furthermore, a review of the complaint indicates that applicant is not under “imminent danger of serious physical

injury.” Because applicant has had three or more previous actions or appeals dismissed as frivolous or for failing to state a claim, he must pay the full \$350 filing fee. See In re Tyler, 110 F.3d 528 (8th Cir. 1997).

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion for leave to commence this action without payment of the statutory filing fee [#2] is **DENIED**.

**IT IS FURTHER ORDERED** that the applicant shall have thirty (30) days from the date of this order to pay the \$350 filing fee.

**IT IS FURTHER ORDERED** that if applicant fails to pay the filing fee within thirty (30) days, the Court will dismiss this action without the filing of the complaint. See Rule 41(b) of the Federal Rules of Civil Procedure.

Dated this 25th day of January, 2007.

A handwritten signature in black ink, appearing to read "Charles G. Shaw", written over a horizontal line.

**UNITED STATES DISTRICT JUDGE**